

REMARKS

This responds to the Office Action dated December 8, 2004. Claims 73, 76, 77, 79, 131, 134, 138, 143 and 147 have been amended. Applicant requests reconsideration of the amended claims based on the comments made herein and also requests that the application be allowed and passed to issue.

Applicant appreciates the Examiner's time and consideration in entering the 37 C.F.R. 1.132 affidavits. The Applicant also appreciates the efforts of Examiner Morgan and Primary Examiner Kalinowski in participating in the telephonic interview Applicant's attorney, Cheryl Bab, on February 9, 2005. Three prior art references were discussed during the interview: Machlis, "Web links cancer patients to drug trials," Oct. 14, 1998 ("Machlis"), U.S. Patent No. 5,991,731 to Colon et al and U.S. Patent No. 6,171,112 to Clark et al. An agreement was reached that Machlis does not teach the element of electronic consent based on the argument which is set forth below. However, the Examiners raised an issue as to whether the "individual" recited in each of the independent claims is the "potential candidate." Applicant respectfully asserts that the claims as presented make clear that the individual is the potential candidate because the claims generally recite that the individual provides his personally identifying information or medical information. Such personally identifying information or medical information is then added to a database of potential candidates. The only individual who would provide his personally identifying or medical information is the person who is volunteering as a potential candidate. Therefore, the claims as presently pending clearly recite that the individual is the potential candidate. Moreover, presently pending claim 143 explicitly recites that "an individual who has volunteered as a potential candidate for a plurality of clinical trials." However, to address the Examiners' concerns, applicant has added new claims 150-156 which add the recitation that the individual is the potential candidate.

The Examiner rejected claims 73-74, 96, 102-104, 131-136, 137-139, 141-143, 146 and 149 under 35 U.S.C. 103(a) as being unpatentable over Colon in view of Machlis. See the Office Action, paragraph 4, page 2. Claims 73, 131, 132, 134, 138, 141 and 143 are independent. The arguments presented below were addressed during the telephonic interview and Applicant's attorney concluded from the Examiners' remarks that the rejections based on Machlis have been overcome.

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administrator(s) to the exclusion of the doctor. Therefore, Clark cannot be combined with Colon to provide the teaching of electronic consent to volunteer for clinical trials. Since there is not cited prior art reference which provides the teaching of electronic consent to volunteer for clinical trials, applicants respectfully request that the pending claims be allowed and passed to issue.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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